



File Code: 1570 (218)  
Objection #15-01-00-0050

Date: JUL 22 2015

Michael Garrity  
Alliance for the Wild Rockies  
PO Box 505  
Helena, MT 59624

Dear Mr. Garrity:

This letter is in response to your objection, dated May 16, 2015, filed on behalf of the Alliance for the Wild Rockies, regarding the Montanore Project (proposed project) located on the Kootenai National Forest (Forest).

The Montanore Final Environmental Impact Statement (FEIS) and draft Record of Decision (draft ROD) is subject to the pre-decisional administrative review process ("objection" process) found at 36 CFR Part 218, Subpart A.

I have determined that your objection does not meet the requirements of 36 CFR 218.8(d)(5). As such, in accordance with 36 CFR 218.10(a)(5), I must set aside and not review your objection. The following sets forth the reasons why your objection does not meet the requirements of 36 CFR 218.8(d)(5).

- 1) Your objection fails to include a "description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project" 36 CFR 218.8(d)(5). The proposed project is set forth in the FEIS and draft ROD. The issues raised in your objection are not based on the analysis or information contained in the documents that are subject to this administrative review: the FEIS or draft ROD. Rather, your objection is simply a copy and paste of your previous comments provided on the Supplemental Draft Environmental Impact Statement (Supplemental DEIS).<sup>1</sup>

In simply repeating your comments on the Supplemental DEIS you are not providing specific issues related to the proposed project. Notably, your objection fails to recognize the changes between the Supplemental DEIS and the FEIS and draft ROD. In preparing the FEIS and draft ROD, the Forest revised various aspects of the analysis based on the terms outlined in the Biological Opinions, the management direction contained in the new Kootenai Forest Plan issued in January 2015, and in response to issues raised during

<sup>1</sup> Attached to this letter is a copy of your objection to the proposed project. In this copy I have highlighted in yellow the statements in your objection that are not sections copied from your previous comments on the Supplemental DEIS. All other sections of your objection not highlighted are from your letter dated December 12, 2011, commenting on the Supplemental DEIS.



the public comment periods for the DEIS and Supplemental DEIS. These revisions include changes to the mine alternatives, transmission line alignments, and monitoring and mitigation plans (*see* draft ROD 17-19; *see also* Savage, C., *Cover Letter to the FEIS*, March 27, 2015). However, your objection letter simply restates your previous comments and does not respond to the additional analysis or changes to the project, even though the Forest revised the FEIS in response to a number of the concerns that you raised (*see, e.g.*, FEIS Appendix M, pp. M-330, M-344, M-418, M-436, and M-454).

For the aforementioned reasons, I find that your objection does not meet the regulatory requirements to describe specific issues related to the proposed project under review (36 CFR 218.8(d)(5)).

- 2) Your objection letter also fails to provide sufficient “supporting reasons for the reviewing officer to consider” (36 CFR 218.8(d)(5)). In the attached highlighted objection letter, none of the highlighted statements provide supporting reasons for the reviewing officer to consider your objection to the FEIS and draft ROD. Instead, as discussed above, the majority of your letter simply restates your comments on the Supplemental DEIS and makes general claims such as “[t]he project harms grizzly bears and violated the ESA, NEPA, the APA and NFMA.” Statements such as these are not specific to the analysis or decision under review, nor do they allow me to discern if your concerns have merit.

The regulations make it clear that it is the objector’s responsibility to provide sufficient information to place the agency on notice regarding his or her concerns with the project (36 CFR 218.8(d)(5) and 36 CFR 218.10(a)(5)). By not citing to the FEIS analysis or draft ROD decision rationale under review, and by making broad, vague allegations about the project, you are not providing supporting reasons for me to consider. Therefore, I find you are not meeting the requirements to include supporting reasons for the objection reviewing officer to consider (36 CFR 218.8(d)(5)).

As demonstrated above, your objection to the Montanore Project does not meet the requirements at 36 CFR 218.8(d). As you are aware, we previously discussed with you, in a letter from the Regional Forester dated June 30, 2014, the objection process requirements and the adequacy of your objections. Thus, you have been sufficiently notified as to what is required to comply with the regulatory requirements. As required by the regulations, I am setting aside your objection, dated May 16, 2015, from review in accordance with 36 CFR 218.10(a)(5).

Sincerely,

  
DAVID E. SCHMID  
Deputy Regional Forester

cc: Ray G. Smith  
Christopher Savage